

**ARRANGEMENT ON RETURN OF DISPLACED PERSONS FROM
RAKHINE STATE**

BETWEEN

**THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF
BANGLADESH**

AND

**THE GOVERNMENT OF THE REPUBLIC OF THE UNION OF
MYANMAR**

NAY PYI TAW

23 NOVEMBER 2017

ARRANGEMENT ON RETURN OF DISPLACED PERSONS FROM RAKHINE STATE

The Government of the People's Republic of Bangladesh and the Government of the Republic of the Union of Myanmar:

REITERATING their firm conviction to resolve their problems amicably and peacefully through bilateral negotiations on the basis of mutual understanding, accommodation, trust and goodwill and maintain peace and tranquility on their borders, and in particular the multifarious challenges that both countries face for outflow of displaced people from Rakhine State;

MINDFUL of the fact that significant numbers of Muslims from Rakhine State and other communities, who were residents of Myanmar, have taken shelter in Bangladesh following the terrorist attacks on 9 October 2016 and 25 August 2017 and earlier. This arrangement concerns the repatriation of the residents of Rakhine State who have crossed over to Bangladesh after 9 October 2016 and 25 August 2017. The repatriation of residents who crossed over to Bangladesh earlier will be considered separately on the conclusion of the present arrangement.

IN RECOGNITION of the need for sustainable and durable solutions, Myanmar and Bangladesh have agreed to start the process of voluntary return in safety, security and dignity with options for recommencing livelihood, after verification that returnees have been residents of Myanmar;

ALSO MINDFUL of understanding reached in case of return of Myanmar residents in earlier phases in particular the Joint Statement of 1992 signed by the Ministers of Foreign Affairs of Myanmar and Bangladesh; and

Following discussion held in Nay Pyi Taw on 22 November 2017 and considering all relevant documents and facts and requirements for sustainable return of displaced Myanmar residents.

HAVE AGREED to this Arrangement that outlines general principles, policy aspects and modalities needed to be agreed upon to ensure smooth conduct of return of displaced Myanmar residents from Rakhine State expeditiously and their integration into Myanmar society.

A. GENERAL GUIDING PRINCIPLES

1. The process of return will commence at the earliest and shall be completed in a time-bound manner agreed by both parties.
2. Myanmar has agreed to take necessary measures to halt the outflow of Myanmar residents to Bangladesh, to restore normalcy in Northern Rakhine and to encourage those who had left Myanmar to return voluntarily and safely to their own households and original places of residence or to a safe and secure place nearest to it of their choice. Myanmar will take all possible measures to see that the returnees will not be settled in temporary places for a long period of time and their freedom of movement in the Rakhine State will be allowed in conformity with the existing laws and regulations. Their access to basic services and livelihood will be further promoted. Myanmar will issue the returnees an identity card for national verification immediately on their return.
3. Verification for return, being essentially different from the ongoing national verification process for those who are residing in Rakhine towards their citizenship, will be based on evidence of past residence in Myanmar.
4. The two Governments would duly associate with the UNHCR, as and when needed, to assist them in the process of safe and voluntary repatriation. Bangladesh will immediately avail itself of the assistance by the UNHCR in the process of safe and voluntary return. The Government of the Republic of the Union of Myanmar agreed that the services of the UNHCR could be drawn upon as needed and at the appropriate time.
5. Myanmar will not criminalize (i.e. prosecute or penalize) returnees for illegal exit and return unless there are specific cases of their involvement in terrorist or criminal activities.

B. INFORMATION, EVIDENCE AND CRITERIA FOR ELIGIBILITY FOR RETURN

6. Bangladesh will provide whatever data it can obtain on the displaced persons from Myanmar following the 25 August 2017 and 9 October 2016 attacks. The two sides will then quickly engage to find out details of their residents in Myanmar, prior to their taking shelter in Bangladesh.

(a) The criteria for eligibility for return will be as follows:

- (i) Returnees must be residents of Myanmar; and
- (ii) Returnees must be the ones who voluntarily wish to return to Myanmar by themselves.
- (iii) The members of split families and their left behind members, and orphans need to be certified by a Court of Bangladesh.
- (iv) Both parents of additional offspring born on the other side of the border must be residents of Myanmar.
- (iv) Children born out of unwarranted incidents are to be certified by a Court of Bangladesh.

(b) For the purpose of verification, Myanmar will provide the necessary forms to be filled by the prospective returnees. Forms used in the post-1992 repatriation would generally be used as reference.

7. Based on the list of returnees or information provided by Bangladesh, and after verification, the Government of the Republic of the Union of Myanmar will accept, in batches, all persons along with their family members, based on the afore-mentioned criteria and the following evidence and information:

- (i) Copies of the documents issued in Myanmar indicating their residence in Myanmar, such as old and expired citizenship identity cards / National Registration cards / Temporary Registration cards (White cards) and any other documents issued by relevant Myanmar authorities; or
- (ii) Other documents or information indicating their residence in Myanmar, such as addresses, reference to household

or business ownership document, school attendance or any other relevant particulars and information.

8. Recipient of refugee documents issued by UNHCR will undergo the same verification process.

9. There shall be no restriction on the number of persons to be repatriated, so long as they can establish bona fide evidence of their residence in Myanmar.

10. In cases of dispute on eligibility for return to Myanmar, the two sides shall sit with all documents and information to resolve such cases. The final decision regarding verification will be made by the Government of the Republic of the Union of Myanmar. The Government of the Republic of the Union of Myanmar will try to resolve cases of dispute on eligibility as soon as possible, preferably within six months.

C. OTHER POLICY ASPECTS OF ARRANGEMENT FOR RETURN

11. Both parties have agreed that a Joint Working Group will be established to oversee all aspects of return within 3 weeks of signing of this arrangement. The Terms of Reference of the Joint Working Group is to be agreed by both sides.

12. A specific instrument on the physical arrangement for the repatriation of returnees will be drawn up upon agreement in a speedy manner following the conclusion of this arrangement, which would include inter-alia developing mechanism for verification, time schedule, transport and logistic arrangements, reception procedure, communication system, etc. Both parties may agree on further instrument(s), as needed, for successful completion of return.

13. Both parties agreed that the process of return shall commence within two months of the signing of this Arrangement and be completed within a reasonable time from the date the first batch of returnees is received.

14. UNHCR and other mandated UN agencies as well as interested international partners would be invited to take part, as appropriate, in various stages of return and resettlement, and to assist returnees to carry on life and livelihood as members of Myanmar society.

15. The two Governments agreed to take necessary measures to enhance security and tranquility in their borders in full compliance with the Agreement on Border Arrangements and Cooperation (Border Ground Rules) signed by the two countries in 1980. In this context, they have agreed to take necessary confidence building measures. Towards this end, both parties agreed to maintain regular contacts through flag meetings between the sector commanders of their respective border security forces and as provided for in the MoU on Border Liaison Offices (BLOs) of 2017.

16. Both Governments agreed that they would refrain from conceiving and implementing any policy which is discriminatory to any particular community and that violates universally agreed principles on human rights as enshrined in international human rights instruments to which they are parties. They further agreed to oppose any form of terrorism, insurgency or unfriendly acts such as arms smuggling, smuggling, drug trafficking, human trafficking directed against their neighbour. They agreed that they would not harbour or support any terrorists or criminals involved in such activities. They also agreed that their respective law enforcement agencies would closely cooperate together to prevent such acts.

17. After completion of return, the two Governments shall cooperate for the prevention of the illegal crossing of the border by persons from either side. Both Governments shall refrain from granting residency or citizenship to such illegal migrants. Such persons crossing borders in an unauthorized manner shall be returned following the agreed provisions in the 1980 Agreement on Border Arrangements and Cooperation.

18. The two Governments agreed to work for a comprehensive and durable solution of the issue so as to prevent its recurrence in the future. Myanmar confirmed its commitments to implement the recommendations

of the Advisory Commission on Rakhine State as contained in its Statement of 24 August 2017.

19. Both parties reaffirmed their desire to maintain and promote the existing friendly and good neighbourly relations.

On behalf of the Government of the
People's Republic of Bangladesh

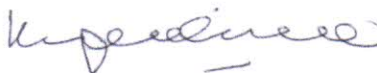
On behalf of the Government of the
Republic of the Union of Myanmar



Abul Hassan Mahmood Ali, MP

Foreign Minister
Ministry of Foreign Affairs

Dated : 23 November 2017



Kyaw Tint Swe

Union Minister
Ministry of the Office of the State Counsellor

Dated : 23 November 2017